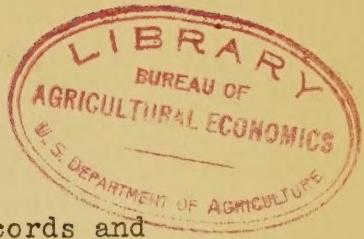


40-Tob-47

Agricultural Adjustment Administration  
Marketing Quota Section  
July 30, 1940

142  
T 55 F  
OCT 4 1940  
IND. 47

**MARKETING QUOTA INSTRUCTIONS**  
(Flue-cured Tobacco, 1940-41 Marketing Year)



These instructions set forth the manner of handling records and reports used in connection with the marketing quota program (flue-cured tobacco, 1940-41 marketing year). The responsibilities of warehousemen, dealers and field assistants are outlined in that order. Section IV of these instructions lists the forms and reports to be used in connection with the program, together with instructions for the preparation of such forms and reports.

#### I Warehousemen

The responsibilities of warehousemen with respect to records, reports and payment of penalties are as follows:

1. To obtain a memorandum of sale (or a memorandum of suspended sale) to cover each marketing of tobacco from a farm through the warehouse and, also, to cover each lot of tobacco bought by the warehouse from a farmer at any place other than a warehouse sale; or, if a memorandum of sale is not obtained in the case of any nonwarehouse sale before the marketing card for the farm has been delivered to the farm operator, to have the "Certificate of County Office" executed on Form 40-Tob-43, Bill of Nonwarehouse Sale.
2. To keep a record on Form 40-Tob-43, Bill of Nonwarehouse Sale, for each lot of tobacco purchased by the warehouse from a farmer at any place other than a warehouse sale.
3. To obtain a Form 40-Tob-38, Memorandum of Suspended Sale, to cover any marketing of tobacco at a warehouse sale that is not covered by a memorandum of sale by the end of the sale day.
4. To keep records so as to identify all purchases and resales made for the warehouse leaf account and to maintain a separate account with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings.
5. To make appropriate entries on Forms 40-Tob-35, Dealer's Record, showing the total purchases and resales made by each dealer during each sale day at the warehouse.
6. To prepare a summary of each day's business on Form 40-Tob-36, Auction Warehouse Report.
7. To prepare Form 40-Tob-37, Report of Penalties, for each week in which any sales are made subject to penalty.

8. To submit to the Marketing Quota Section, Agricultural Adjustment Administration, Washington, D. C., all reports prepared during each week on Form 40-Tob-36 and Form 40-Tob-37 not later than the end of the next following calendar week, and to remit with such reports the penalty due.
9. To make available to junior field officers, field assistants and any other representatives of the Marketing Quota Section all records and reports of the warehouse which may be needed for preparation of a summary of the warehouse account on Form 40-Tob-40.
10. To compute the amount of penalty on each excess memorandum of sale and each memorandum of suspended sale completed to show penalty.
11. To maintain records as provided under Section 22 of the Regulations (Form 40-Tob-42) and to keep the check register so as to show thereon the serial number(s) of the memorandum of sale identifying each marketing of tobacco from a farm with respect to which a check is written.

## II Dealers

The responsibilities of dealers with respect to records, reports and payment of penalties are as follows:

1. To obtain a memorandum of sale to cover each purchase of tobacco directly from a farmer, or, if a memorandum of sale is not obtained in the case of any nonwarehouse sale before the marketing card for the farm has been delivered to the farm operator, to have the "Certificate of County Office" executed on Form 40-Tob-43, Bill of Nonwarehouse Sale. Each memorandum of sale obtained shall not be valid unless all entries required thereon and on the marketing card are made and in addition such memorandum of sale will show (a) the name and registration number of the dealer under the heading "Warehouse and date", (b) in case the tobacco is scrap, the word "scrap" besides the entry "Pounds sold".
2. To obtain Form 40-Tob-43, Bill of Nonwarehouse Sale, for each purchase of tobacco from a farmer at any place other than a warehouse sale.
3. To present to field assistants for approval and making of entries on Form 40-Tob-35, Dealer's Record, all memoranda of sale and all bills of nonwarehouse sale.

4. To obtain Form 40-Tob-35, Dealer's Record, from a field assistant and to keep records on such forms showing all purchases and resales. This record is to be kept by each dealer who resells (in the form in which farm tobacco is ordinarily sold) more than 10 percent of the tobacco purchased by him, and in the case of any dealer who resells less than 10 percent of the tobacco purchased by him the record is to be kept with respect to any tobacco which such dealer purchases directly from farmers at any place other than a warehouse sale.
5. To prepare Form 40-Tob-37, Report of Penalties, for each week in which any tobacco subject to penalty is purchased at any place other than a warehouse sale.
6. To transmit to the Marketing Quota Section not later than the end of the calendar week following the week covered thereby all reports prepared on Form 40-Tob-35 and Form 40-Tob-37 and to remit with such reports the penalty due. The yellow copy of Form 40-Tob-35 will be forwarded to the Marketing Quota Section rather than the original.
7. To maintain records as provided under Section 23 of the Regulations (Form 40-Tob-42), and to make such records available for examination upon request by any representative of the Marketing Quota Section.

### III Field Assistants

Responsibilities of field assistants with respect to records and reports are as follows:

1. To issue memoranda of sale and memoranda of suspended sale, and to check all within quota memoranda of sale and memoranda of suspended sale issued by warehousemen and all within quota memoranda of sale issued by dealers.
2. To prepare Form 40-Tob-39, Field Assistant's Daily Report, covering each sale day for each warehouse.
3. To forward to the field officer in charge the "County Office Copy" of all memoranda of sale issued, together with the field assistant's daily reports and the "Marketing Quota Section Copy" and "County Office Copy" of Forms 40-Tob-43.
4. To issue Form 40-Tob-35, Dealer's Record, and explain the use of such form, and to make entries thereon with respect to purchases made by dealers directly from farmers.

5. To assist junior field officers in preparing Form 40-Tob-40, Warehouse Summary, whenever possible.
6. To supply warehousemen and dealers with all necessary forms and to assist them, insofar as time is available after performance of other duties, in maintaining records and preparing reports.
7. To keep strictly confidential all information reported to or acquired by the field assistant in the performance of his duties.
8. To report to the Marketing Quota Section on Form 40-Tob-34, Report of Indicated Violation, all cases of apparent violation of the Regulations.

#### IV Forms

The following is a list of forms to be used in connection with the 1940-41 flue-cured tobacco marketing quota program.

Form 40- Tob-No.	Title	To be prepared by
28	Within Quota Marketing Card . . . . .	County Office
	Within Quota Memorandum of Sale . . . . .	Field Assistant, Warehouseman or Dealer
29	Excess Marketing Card . . . . .	County Office
	Excess Memorandum of Sale . . . . .	Field Assistant
30	Record of Distribution of Marketing Cards .	State Office
31	Within Quota Listing Sheet . . . . .	County Office
32	Excess Listing Sheet . . . . .	County Office
33	Farm Operator's Report . . . . .	Farm Operator and County Office
34	Report of Indicated Violation . . . . .	Person reporting
35	Dealer's Record . . . . .	Dealer, Warehouseman and Field Assistant
36	Auction Warehouse Report . . . . .	Warehouseman
37	Report of Penalties . . . . .	Warehouseman and Dealer
38	Register of Suspended Sales . . . . .	Field Assistant and Warehouseman
39	Field Assistant's Daily Report . . . . .	Field Assistant
40	Warehouse Summary . . . . .	Junior Field Officer
41	Application for Return of Penalty . . . . .	Producer and County Office
42	Marketing Quota Regulations . . . . .	(Previously Issued)
43	Bill of Nonwarehouse Sale . . . . .	Warehouseman and Dealer
45	Correction of Memorandum of Sale . . . . .	Field Assistant
46	Transmittal Sheet . . . . .	Field Officer and County Office
47	Marketing Quota Instructions . . . . .	(Previously Issued)

FORMS 40-TOB-28 AND 40-TOB-29, MARKETING CARD AND MEMORANDUM OF SALE

County offices will issue to the operator of each farm having tobacco available for marketing a "Within Quota Marketing Card" or an "Excess Marketing Card". Each marketing card contains ten memoranda of sale, which will be issued as provided below to identify each marketing of tobacco from the farm.

When a farmer calls at the warehouse office for his check, he should present his marketing card to the field assistant, who will issue a memorandum of sale. In the absence of a field assistant, a warehouseman or dealer (in case of a nonwarehouse sale) may issue a within quota memorandum of sale. All memoranda of sale issued by a warehouseman will be checked against the warehouse records and initialled by a field assistant. Any memorandum issued by a dealer will not be accepted unless supported by a bill of nonwarehouse sale (Form 40-Tob-43).

In issuing memoranda of sale from within quota marketing cards (Form 40-Tob-28) the field assistant, warehouseman or dealer (in case of a nonwarehouse sale) will enter the name of the warehouse (or buyer's name and registration number and State), date memorandum issued, initials of person issuing, pounds sold, date of sale (if memorandum of sale is not issued on the day of sale) and the warehouse bill(s) number in the appropriate spaces on the "Purchaser's Copy" of the memorandum of sale. The pounds sold, gross price, the name of the warehouse and date issued will be entered on the "County Office Copy" of the memorandum of sale. The number of pounds covered by the memorandum of sale will be entered in the appropriate space on the inside cover of the marketing card. The field assistant who issues or checks the memorandum of sale will ascertain that the name of the farm operator and the name and address of the county agricultural conservation association have been entered on the memorandum of sale.

Only field assistants are authorized to issue memoranda of sale from excess marketing cards (Form 40-Tob-29). The field assistant will follow the procedure outlined above in issuing memoranda of sale from excess marketing cards, and in addition will enter in the appropriate spaces the percent excess (unless already entered), the pounds subject to penalty and the amount of penalty. If the percent excess is not shown on the excess memorandum of sale it will be obtained from the inside cover of the excess marketing card. The pounds subject to penalty and the amount of penalty will be computed by the field assistant, but the warehouseman or dealer should check the computation carefully since he is responsible for payment of the penalty and cannot be relieved of such responsibility because of any error made by the field assistant.

All memoranda of sale issued by the warehouseman shall be delivered to the field assistant upon his request. At the end of each sale day the field assistant will forward the county office copy of all memoranda of sale, together with the original and first carbon copy of

each "Field Assistant's Daily Report" prepared during the day and the "Marketing Quota Section Copy" and "County Office Copy" of all Forms 40-Tob-43, Bill of Nonwarehouse Sale, completed during the day to the field officer in charge. The "Buyer's Copy" of the memoranda of sale should be delivered to the warehouseman or dealer and should be kept by him together with other records as provided in Sections 22, 23 and 29 of the Regulations.

No memorandum of sale will be issued unless it is presented with the marketing card.

If any memorandum of sale is missing from a marketing card and no entry has been made for that memorandum on the inside cover of the marketing card, the marketing card will be considered void and will not be acceptable until the proper entries have been made.

If a farmer presents a within quota marketing card to have a memorandum of sale issued to identify a marketing of tobacco and the field assistant, warehouseman, or dealer has reason to doubt that the tobacco was produced on the farm for which the marketing card was issued, he should require the farm operator to sign the certification on the back of the county office copy of the memorandum of sale; and, if a similar question arises in case of an excess marketing card the field assistant should require the farm operator to sign on the back of the county office copy of the memorandum of sale. If the farm operator refuses to sign the memorandum, or if the signature does not agree with the signature appearing on the inside cover of the marketing card, no memorandum of sale will be issued and the field assistant should forward the marketing card to the field officer in charge.

FORM 40-TOB-30, RECORD OF DISTRIBUTION OF MARKETING CARDS; FORM  
40-TOB-31, WITHIN QUOTA LISTING SHEET; FORM 40-TOB-32, EXCESS LISTING  
SHEET AND FORM 40-TOB-33, FARM OPERATOR'S REPORT

Form 40-Tob-30, Form 40-Tob-31, Form 40-Tob-32 and Form 40-Tob-33 are used in State and county offices of the Agricultural Adjustment Administration. These forms are not used by warehousemen, dealers or field assistants.

FORM 40-TOB-34, REPORT OF INDICATED VIOLATION

Form 40-Tob-34, Report of Indicated Violation, is to be used by the field assistant, or any other individual who has information which leads him to believe that any tobacco has been or is being marketed under the marketing card for a particular farm which actually was produced on a different farm. This form may also be used to report information indicating that any other effort has been made or is being made to evade the payment of penalty.

In preparing Form 40-Tob-34, the name and address of the county agricultural conservation association or the field assistant's name and the market will be entered in the upper right-hand corner. The names and addresses of all persons involved and all information available relative to the violation will be entered in the spaces provided on the form. The person reporting will sign in the space provided, enter the date and his title in the appropriate spaces and forward the original immediately to the field officer in Charge who will forward it to the Marketing Quota Section. The carbon copy may be retained by the person reporting.

FORM 40-TOB-35, DEALER'S RECORD

Each dealer who purchases tobacco from farmers at any place other than a warehouse sale or who resells (in the form in which farm tobacco is ordinarily sold) more than ten percent of the tobacco purchased by him will keep a record and make reports on Form 40-Tob-35, Dealer's Record, showing his purchases and resales of tobacco. The dealer will obtain Form 40-Tob-35 from a field assistant of the Marketing Quota Section. The dealer will supply the information required for the "Receipt for Dealer's Record" and when all the necessary information has been entered, the dealer and the field assistant will sign in the spaces provided on the Receipt and the field assistant will detach the Receipt and forward it to the field Officer in Charge.

All purchases and resales of flue-cured tobacco made by the dealer will be entered in the Dealer's Record in accordance with the instructions contained on the inside front cover. All Forms 40-Tob-35 on which entries have been made will be signed by the dealer and the yellow copies of all such forms (40-Tob-35a) will be forwarded to the Marketing Quota Section not later than the end of the calendar week next following the week in which the transactions occurred. The white copy (Form 40-Tob-35) is to be retained in the book.

If a dealer resells tobacco which was produced prior to 1940, such fact will be clearly shown on the Dealer's Record.

FORM 40-TOB-36, AUCTION WAREHOUSE REPORT

Warehousemen will prepare Form 40-Tob-36 for each sale day summarizing the day's business. This form will be prepared as follows:

1. Enter the sale date, the name of the warehouse, the warehouse registration number and State and the market in the spaces provided.
2. Enter the registration number and State and the name of each dealer and other warehouseman who purchased or resold tobacco at auction during the sale day. The total pounds purchased, the gross price of purchases, the total pounds resold and the gross price of resales for each dealer will be entered opposite such dealer's name and registration number.

3. Enter in the line numbered "1" the total pounds purchased, gross price of purchases, total pounds resold and gross price of resales for all tobacco handled through the warehouse leaf account for the sale day. Do not include any floor sweepings in this item.
4. Enter in the line numbered "2" the number of pounds and gross price of all floor sweepings (bundles, leaves or accumulation of tobacco) sold by the warehouse on this floor.
5. Enter in the line numbered "3" the total of all the entries appearing above.
6. Enter in the line numbered "4" the result obtained by subtracting the Resales from the Purchases.
7. Enter in the line numbered "5" the total pounds purchased, the gross price paid, total pounds resold and the gross price of resales for all tobacco purchased or resold for the warehouse leaf account at other warehouses and all tobacco purchased from or resold to dealers for the warehouse leaf account.
8. Enter in the line numbered "6" the number of pounds and gross price of all floor sweepings and warehouse scrap sold at other warehouses and to dealers.

The warehouseman or his authorized representative will sign the report in the space provided and forward the original to the Marketing Quota Section not later than the end of the next following calendar week. The carbon copy will be retained in the warehouse files and will be used by junior field officers together with the warehouse records in preparing the Warehouse Summary.

FORM 40-TOB-37, REPORT OF PENALTIES

Each warehouseman and dealer will prepare each week Form 40-Tob-37, Report of Penalties. There should be listed on the report information with respect to each Form 40-Tob-29, Memorandum of Excess Sale, and each Form 40-Tob-38, Memorandum of Suspended Sale, issued or completed during the week to show tobacco subject to penalty. If no penalty memoranda are issued or completed during any week the report on Form 40-Tob-37 for that week need not be made unless specifically requested by the Marketing Quota Section. The letter "S" will be written beside the serial number of any memorandum of suspended sale which is listed on the Report of Penalties. The Report of Penalties will be prepared as follows:

1. Enter the date of the last day of the week covered by the report, the name and address of the warehouse or dealer and the registration number in the appropriate spaces.

2. Enter in the appropriate columns the name of the farm operator, the serial number of each excess memorandum of sale and the serial number of each memorandum of suspended sale completed to show penalty, the date the excess memorandum of sale was issued or the memorandum of suspended sale was completed by the field assistant, the total pounds of the sale, and the percent excess and the amount of penalty.
3. Total the columns headed "total pounds" and "penalty" and enter the results in the spaces provided.
4. Enter in the certification the serial numbers of all memoranda appearing on the report wherein an amount equivalent to the penalty was not deducted from the purchase price paid the producer.
5. The Report of Penalties will be signed by the warehouseman or his authorized representative, or by the dealer.
6. The original of the report, accompanied by the amount of penalty shown to be due, will be forwarded to the Marketing Quota Section not later than the end of the calendar week following the week covered by the report. The carbon copy should be retained by the warehouseman or dealer.

FORM 40-TOB-38, REGISTER OF SUSPENDED SALES

A record of suspended sales will be kept for each warehouse on Form 40-Tob-38, Register of Suspended Sales. This register consists of a pad of 50 memoranda of suspended sale and any pad will be used only at one warehouse. Each warehouse sales bill covering "farm tobacco" for which a memorandum of sale has not been issued by the end of the sale day will be presented to a field assistant who will stamp such bills as "Suspended" and prepare a memorandum of suspended sale (Form 40-Tob-38) for each suspended sale and enter on the warehouse bill the number of the memorandum of suspended sale covering such sale. The field assistant will enter on the memorandum of suspended sale the number of pounds sold, date of sale, warehouse bill(s) number and name of the producer shown on the warehouse bill. If the field assistant is not available, the warehouseman may stamp suspended bills and record them in the register of suspended sales as outlined above.

If a marketing card is presented to a field assistant for the purpose of obtaining a memorandum of sale to cover a marketing of tobacco for which a memorandum of suspended sale has been issued, he will issue such memorandum of sale and will enter on the memorandum of suspended sale (on both the "Permanent Copy" and the "Warehouse Copy") the serial number of the memorandum of sale. The "Warehouse Copy" of the memorandum of suspended sale will be detached and delivered to the warehouseman with the "Purchaser's Copy" of the memorandum of sale.

If no memorandum of sale is issued within four weeks after the date of marketing of the tobacco, the memorandum of suspended sale will be completed by the field assistant to show the sale subject to penalty and he will compute and enter the amount of penalty on the "Permanent Copy" and the "Warehouse Copy" of the memorandum of suspended sale. The field assistant will then sign the "Warehouse Copy" of the memorandum of suspended sale and deliver it to the warehouseman.

FORM 40-TOB-39, FIELD ASSISTANT'S DAILY REPORT

A report on Form 40-Tob-39 will be prepared covering the sales made at each warehouse for each sale day. The date of the sale day covered by the report, the name of the warehouse, the warehouse registration number, the name of the market, gross pounds sold and the gross price will be entered in the spaces provided in Section I. The number of memoranda issued, number of pounds covered, the gross price and the amount of penalty for this sale day will be shown in Section II. The total number of memoranda issued, number of pounds covered, the gross price, and the amount of penalty on previous farm sales which have been cleared from suspensions since the last preceding report will be entered in Section III. Section IV has been provided to enable the field assistant to explain any unusual entries or circumstances and to make such additional entries as may be required.

In preparing the daily report, the field assistant will total separately all Forms 40-Tob-28, 40-Tob-29 and 40-Tob-38. Each of these forms will be sorted into groups of one hundred. If any group contains fewer than one hundred forms the exact number of such forms will be entered on the adding machine tapes used in totalling the pounds and price. All memoranda of sale will be retained in the order in which they were added to facilitate checking the items on the tapes. Each adding machine tape will be folded around the applicable memoranda of sale and will be held in place by rubber bands.

The field assistant will sign the report and forward the original report and the first carbon copy, together with the county office copies of all memoranda of sale issued and the adding machine tapes used in determining the totals for the report and the "Marketing Quota Section Copy" and "County Office Copy" of Forms 40-Tob-43 to the field officer in charge. The field assistant will retain the second carbon copy of the report.

Junior field officers will check the reports of field assistants and will assist field assistants in preparing these reports when time permits after the completion of other duties.

FORM 40-TOB-40, WAREHOUSE SUMMARY

Junior field officers, with the aid of field assistants (when available), will summarize warehouse accounts on Form 40-Tob-40 as often as possible to determine that memoranda of sale have been issued to cover all marketings of farm tobacco. This check will involve the balancing of

buyers' purchases (including purchases for the warehouse leaf account) with total sales (including farmers' sales, resales by dealers and sales for the warehouse leaf account).

Junior field officers will check periodically the memoranda of sale and the record of suspended warehouse bills against the warehouse floor sheets and other records for a particular day to determine that such records are in proper agreement.

FORM 40-TOB-41, APPLICATION FOR RETURN OF PENALTY

Form 40-Tob-41 will be prepared by the county office and the producer who makes application for return of excess penalty.

FORM 40-TOB-43, BILL OF NONWAREHOUSE SALE

Form 40-Tob-43, Bill of Nonwarehouse Sale, will be executed by the buyer and farm operator to cover each marketing of tobacco at any place other than a regular warehouse auction sale. If the marketing occurred prior to the issuance of a marketing card for the farm, the Bill of Nonwarehouse Sale may be presented to the county office for execution of the "Certificate of County Office" and the issuance of a memorandum of sale. If a within quota marketing card has been issued for the farm, the dealer (or warehouseman) may issue a memorandum of sale at the time of purchase.

Form 40-Tob-43, Bill of Nonwarehouse Sale, will be prepared as follows:

1. Enter the name of the county and the farm serial number in the upper right-hand corner.
2. Enter in the space provided the date of preparation of the form.
3. Enter in item 1 the name and address of the farm operator.
4. Enter in item 2 the name of dealer and his registration number and State. Also enter name of the person making the purchase if other than the dealer.
5. Enter in item 3 the answers to the following questions:
  - (a) Is the tobacco purchased scrap or leaf?
  - (b) If leaf, is it graded and tied or loose?
  - (c) If leaf, what is the number of the curing or priming?
  - (d) What is the actual weight? If not known, what is the estimated weight?
  - (e) What was the gross price paid for the tobacco?
  - (f) If a memorandum of sale is issued what is its serial number?

6. The farm operator and the buyer will sign the certification in item 4 and the signatures will be witnessed by a disinterested party.
7. The county office will execute item 5 if presented before a marketing card is issued for the farm.
8. The buyer will execute item 6 and deliver the original and county office copy of the Bill of Nonwarehouse Sale to the field assistant together with both parts of the memorandum of sale, unless the "Certificate of County Office" has been executed, in which case only the "Marketing Quota Section Copy" of the Bill of Nonwarehouse Sale need be delivered.

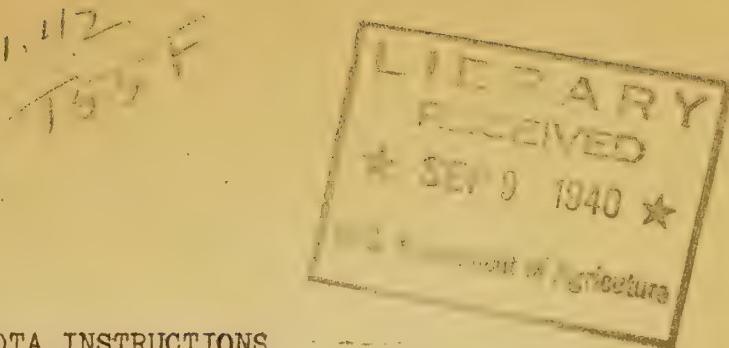
FORM 40-TOB-45, CORRECTION OF MEMORANDUM OF SALE

Form 40-Tob-45 is to be used by field assistants for correcting memoranda of sale on which any error occurred at the time of issuance. In preparing this form the field assistant will enter the Form number (28 or 29) of the memorandum which is in error, the serial number of such memorandum, date issued, date of sale and the warehouse bill(s) number in the spaces provided. In the box appearing beneath the word "From" the field assistant will enter the information shown on the original memorandum of sale. In the box beneath the word "To" the field assistant will enter the correct information. The name of the farm operator, address of county agricultural conservation association and farm serial number, and the reason the correction is being made will be entered in the spaces provided. After signing and entering the current date the field assistant will deliver the "Warehouse Copy" to the warehouseman and forward the "Marketing Quota Section Copy" and "County Office Copy" to the field officer in charge.

FORM 40-TOB-46, TRANSMITTAL SHEET

Form 40-Tob-46 is used as a receipt for forms distributed by field officers to county offices and will not be used by field assistants, warehousemen or dealers.

40-Tob-47, Revised  
Agricultural Adjustment Administration  
Marketing Quota Section  
August 7, 1940



MARKETING QUOTA INSTRUCTIONS  
(Flue-cured Tobacco, 1940-41 Marketing Year)

These instructions set forth the manner of handling records and reports used in connection with the marketing quota program (flue-cured tobacco, 1940-41 marketing year). The responsibilities of warehousemen, dealers and field assistants are outlined in that order. Section IV of these instructions lists the forms and reports to be used in connection with the program, together with instructions for the preparation of such forms and reports.

I Warehousemen

The responsibilities of warehousemen with respect to records, reports and payment of penalties are as follows:

1. To obtain a memorandum of sale (or a memorandum of suspended sale) to cover each marketing of tobacco from a farm through the warehouse and, also, to cover each lot of tobacco bought by the warehouse from a farmer at any place other than a warehouse sale; or, if a memorandum of sale is not obtained in the case of any nonwarehouse sale before the marketing card for the farm has been delivered to the farm operator, to have the "Certificate of County Office" executed on Form 40-Tob-43, Bill of Nonwarehouse Sale.
2. To keep a record on Form 40-Tob-43, Bill of Nonwarehouse Sale, for each lot of tobacco purchased by the warehouse from a farmer at any place other than a warehouse sale.
3. To obtain a Form 40-Tob-38, Memorandum of Suspended Sale, to cover any marketing of tobacco at a warehouse sale that is not covered by a memorandum of sale by the end of the sale day.
4. To keep records so as to identify all purchases and resales made for the warehouse leaf account and to maintain a separate account with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings.
5. To make appropriate entries on Forms 40-Tob-35, Dealer's Record, showing the total purchases and resales made by each dealer during each sale day at the warehouse.
6. To prepare a summary of each day's business on Form 40-Tob-36, Auction Warehouse Report.
7. To prepare Form 40-Tob-37, Report of Penalties, for each week in which any sales are made subject to penalty.

8. To submit to the Marketing Quota Section, Agricultural Adjustment Administration, Washington, D. C., all reports prepared during each week on Form 40-Tob-36 and Form 40-Tob-37 not later than the end of the next following calendar week, and to remit with such reports the penalty due.
9. To compute the amount of penalty on each excess memorandum of sale and each memorandum of suspended sale completed to show penalty.
10. To keep the check register so as to show thereon the serial number of the memorandum of sale identifying each marketing of tobacco from a farm with respect to which a check is written.
11. To maintain records as provided under Section 22 of the Regulations (Form 40-Tob-42) and to make such records available for examination upon request by any representative of the Marketing Quota Section.

## II Dealers

The responsibilities of dealers with respect to records, reports and payment of penalties are as follows:

1. To obtain a memorandum of sale to cover each purchase of tobacco directly from a farmer, or, if a memorandum of sale is not obtained in the case of any nonwarehouse sale before the marketing card for the farm has been delivered to the farm operator, to have the "Certificate of County Office" executed on Form 40-Tob-43, Bill of Nonwarehouse Sale. Each memorandum of sale obtained shall not be valid unless all entries required thereon and on the marketing card are made, and in addition such memorandum of sale will show (a) the name and registration number of the dealer under the heading "Warehouse and date", (b) in case the tobacco is scrap, the word "scrap" besides the entry "Pounds sold".
2. To obtain Form 40-Tob-43, Bill of Nonwarehouse Sale, for each purchase of tobacco from a farmer at any place other than a warehouse sale.
3. To present to field assistants for approval and making of entries on Form 40-Tob-35, Dealer's Record, all memoranda of sale and all bills of nonwarehouse sale.

4. To obtain Form 40-Tob-35, Dealer's Record, from a field assistant and to keep records on such forms showing all purchases and resales. This record is to be kept by each dealer who resells (in the form in which farm tobacco is ordinarily sold) more than 10 percent of the tobacco purchased by him, and in the case of any dealer who resells less than 10 percent of the tobacco purchased by him the record is to be kept with respect to any tobacco which such dealer purchases directly from farmers at any place other than a warehouse sale.
5. To prepare Form 40-Tob-37, Report of Penalties, for each week in which any tobacco subject to penalty is purchased at any place other than a warehouse sale.
6. To transmit to the Marketing Quota Section not later than the end of the calendar week following the week covered thereby all reports prepared on Form 40-Tob-35 and Form 40-Tob-37 and to remit with such reports the penalty due. The yellow copy of Form 40-Tob-35 will be forwarded to the Marketing Quota Section rather than the original.
7. To maintain records as provided under Section 23 of the Regulations (Form 40-Tob-42), and to make such records available for examination upon request by any representative of the Marketing Quota Section.

### III Field Assistants

Responsibilities of field assistants with respect to records and reports are as follows:

1. To issue memoranda of sale and memoranda of suspended sale, and to check all within quota memoranda of sale and memoranda of suspended sale issued by warehousemen and all within quota memoranda of sale issued by dealers.
2. To prepare Form 40-Tob-39, Field Assistant's Daily Report, covering each sale day for each warehouse.
3. To forward to the field officer in charge the "County Office Copy" of all memoranda of sale issued, together with the field assistant's daily reports and the "Marketing Quota Section Copy" and "County Office Copy" of Forms 40-Tob-43.
4. To issue Form 40-Tob-35, Dealer's Record, and explain the use of such form, and to make entries thereon with respect to purchases made by dealers directly from farmers.

5. To assist junior field officers in preparing Form 40-Tob-40, Warehouse Summary, whenever possible.
6. To supply warehousemen and dealers with all necessary forms and to assist them, insofar as time is available after performance of other duties, in maintaining records and preparing reports.
7. To keep strictly confidential all information reported to or acquired by the field assistant in the performance of his duties.
8. To report to the Marketing Quota Section on Form 40-Tob-34, Report of Indicated Violation, all cases of apparent violation of the Regulations.

#### IV Forms

The following is a list of forms to be used in connection with the 1940-41 flue-cured tobacco marketing quota program.

Form No-	Title	To be prepared by
28	Within Quota Marketing Card . . . . .	County Office
	Within Quota Memorandum of Sale . . . . .	Field Assistant, Warehouseman or Dealer
29	Excess Marketing Card . . . . .	County Office
	Excess Memorandum of Sale . . . . .	Field Assistant
30	Record of Distribution of Marketing Cards .	State Office
31	Within Quota Listing Sheet . . . . .	County Office
32	Excess Listing Sheet . . . . .	County Office
33	Farm Operator's Report . . . . .	Farm Operator and County Office
34	Report of Indicated Violation . . . . .	Person reporting
35	Dealer's Record . . . . .	Dealer, Warehouseman and Field Assistant
36	Auction Warehouse Report . . . . .	Warehouseman
37	Report of Penalties . . . . .	Warehouseman and Dealer
38	Register of Suspended Sales . . . . .	Field Assistant and Warehouseman
39	Field Assistant's Daily Report . . . . .	Field Assistant
40	Warehouse Summary . . . . .	Junior Field Officer
41	Application for Return of Penalty . . . . .	Producer and County Office
42	Marketing Quota Regulations . . . . .	(Previously Issued)
43	Bill of Nonwarehouse Sale . . . . .	Warehouseman and Dealer
45	Correction of Memorandum of Sale . . . . .	Field Assistant
46	Transmittal Sheet . . . . .	Field Officer and County Office
47	Marketing Quota Instructions . . . . .	(Previously Issued)

FORMS 40-TOB-28 AND 40-TOB-29, MARKETING CARD AND MEMORANDUM OF SALE

County offices will issue to the operator of each farm having tobacco available for marketing a "Within Quota Marketing Card" or an "Excess Marketing Card". Each marketing card contains ten memoranda of sale, which will be issued as provided below to identify each marketing of tobacco from the farm.

When a farmer calls at the warehouse office for his check, he should present his marketing card to the field assistant, who will issue a memorandum of sale. In the absence of a field assistant, a warehouseman or dealer (in case of a nonwarehouse sale) may issue a within quota memorandum of sale. All memoranda of sale issued by a warehouseman will be checked against the warehouse records and initialled by a field assistant. Any memorandum issued by a dealer will not be accepted unless supported by a bill of nonwarehouse sale (Form 40-Tob-43).

In issuing memoranda of sale from within quota marketing cards (Form 40-Tob-28) the field assistant, warehouseman or dealer (in case of a nonwarehouse sale) will enter the name of the warehouse (or buyer's name and registration number and State), date memorandum issued, initials of person issuing, pounds sold, date of sale (if memorandum of sale is not issued on the day of sale) and the warehouse bill number in the appropriate spaces on the "Purchaser's Copy" of the memorandum of sale. In the appropriate spaces on the inside cover of the marketing card, stamp the name and address of the warehouse and the date and enter the number of pounds covered by the memorandum of sale. (In case of a non-warehouse sale enter the name of the dealer, registration number and the date in lieu of the stamp used for warehouse sales.) The field assistant who issues or checks the memorandum of sale will ascertain that the name of the farm operator and the name and address of the county agricultural conservation association have been entered on the memorandum of sale.

Only field assistants are authorized to issue memoranda of sale from excess marketing cards (Form 40-Tob-29). The field assistant will follow the procedure outlined above in issuing memoranda of sale from excess marketing cards, and in addition will enter in the appropriate spaces the percent excess (unless already entered), the pounds subject to penalty and the amount of penalty. If the percent excess is not shown on the excess memorandum of sale it will be obtained from the inside cover of the excess marketing card. The pounds subject to penalty and the amount of penalty will be computed by the field assistant, but the warehouseman or dealer should check the computation carefully since he is responsible for payment of the penalty and cannot be relieved of such responsibility because of any error made by the field assistant.

All memoranda of sale issued by the warehouseman shall be delivered to the field assistant upon his request. At the end of each sale day the field assistant will forward the county office copy of all memoranda of sale, together with the original and first carbon copy of

each "Field Assistant's Daily Report" prepared during the day and the "Marketing Quota Section Copy" and "County Office Copy" of all Forms 40-Tob-43, Bill of Nonwarehouse Sale, completed during the day to the field officer in charge. The "Buyer's Copy" of the memoranda of sale should be delivered to the warehouseman or dealer and should be kept by him together with other records as provided in Sections 22, 23 and 29 of the Regulations.

No memorandum of sale will be issued unless it is presented with the marketing card.

If any memorandum of sale is missing from a marketing card and no entry has been made for that memorandum on the inside cover of the marketing card, the marketing card will be considered void and will not be acceptable until the proper entries have been made.

If a farmer presents a within quota marketing card to have a memorandum of sale issued to identify a marketing of tobacco and the field assistant, warehouseman, or dealer has reason to doubt that the tobacco was produced on the farm for which the marketing card was issued, he should require the farm operator to sign the certification on the back of the county office copy of the memorandum of sale; and, if a similar question arises in case of an excess marketing card the field assistant should require the farm operator to sign on the back of the county office copy of the memorandum of sale. If the farm operator refuses to sign the memorandum, or if the signature does not agree with the signature appearing on the inside cover of the marketing card, no memorandum of sale will be issued and the field assistant should forward the marketing card to the field officer in charge.

FORM 40-TOB-30, RECORD OF DISTRIBUTION OF MARKETING CARDS; FORM  
40-TOB-31, WITHIN QUOTA LISTING SHEET; FORM 40-TOB-32, EXCESS LISTING  
SHEET AND FORM 40-TOB-33, FARM OPERATOR'S REPORT

Form 40-Tob-30, Form 40-Tob-31, Form 40-Tob-32 and Form 40-Tob-33 are used in State and county offices of the Agricultural Adjustment Administration. These forms are not used by warehousemen, dealers or field assistants.

FORM 40-TOB-34, REPORT OF INDICATED VIOLATION

Form 40-Tob-34, Report of Indicated Violation, is to be used by the field assistant, or any other individual who has information which leads him to believe that any tobacco has been or is being marketed under the marketing card for a particular farm which actually was produced on a different farm. This form may also be used to report information indicating that any other effort has been made or is being made to evade the payment of penalty.

In preparing Form 40-Tob-34, the name and address of the county agricultural conservation association or the field assistant's name and the market will be entered in the upper right-hand corner. The names and addresses of all persons involved and all information available relative to the violation will be entered in the spaces provided on the form. The person reporting will sign in the space provided, enter the date and his title in the appropriate spaces and forward the original immediately to the field officer in Charge who will forward it to the Marketing Quota Section. The carbon copy may be retained by the person reporting.

FORM 40-TOB-35, DEALER'S RECORD

Each dealer who purchases tobacco from farmers at any place other than a warehouse sale or who resells (in the form in which farm tobacco is ordinarily sold) more than ten percent of the tobacco purchased by him will keep a record and make reports on Form 40-Tob-35, Dealer's Record, showing his purchases and resales of tobacco. The dealer will obtain Form 40-Tob-35 from a field assistant of the Marketing Quota Section. The dealer will supply the information required for the "Receipt for Dealer's Record" and when all the necessary information has been entered, the dealer and the field assistant will sign in the spaces provided on the Receipt and the field assistant will detach the Receipt and forward it to the field Officer in Charge.

All purchases and resales of flue-cured tobacco made by the dealer will be entered in the Dealer's Record in accordance with the instructions contained on the inside front cover. In making entries on any Dealer's Record the field assistant or warehouseman should be careful to see that the back cover of the record book is properly folded under the page on which entries are being made to avoid making impressions on the carbon copies of other pages. Both the warehouseman and field assistant should see that the cumulative total of the resales of the dealer are never in excess of the total purchases. If any dealer purchases farm tobacco that is subject to penalty the field assistant will enter the amount of penalty in the column headed "Name and Signature", following his signature.

If any dealer resells tobacco which was produced prior to 1940, such fact should be clearly shown on the Dealer's Record.

All Forms 40-Tob-35 on which entries have been made will be signed by the dealer and the yellow copies (40-Tob-35a) will be forwarded to the Marketing Quota Section at the end of the calendar week in which the transactions occurred. The white copies (40-Tob-35) will be retained in the record book as a permanent record.

Note: See "Flue-Cured Tobacco Letter No. 3" for information relative to the preparation of Dealer's Record covering scrap tobacco purchased directly from farmers.

FORM 40-TOB-36, AUCTION WAREHOUSE REPORT

Warehousemen will prepare Form 40-Tob-36 for each sale day summarizing the day's business. This form will be prepared as follows:

1. Enter the sale date, the name of the warehouse, the warehouse registration number and State and the market in the spaces provided.
2. Enter the registration number and State and the name of each dealer and other warehouseman who purchased or resold tobacco at auction during the sale day. The total pounds purchased, the gross price of purchases, the total pounds resold and the gross price of resales for each dealer will be entered opposite such dealer's name and registration number.
3. Enter in the line numbered "1" the total pounds purchased, gross price of purchases, total pounds resold and gross price of resales for all tobacco handled through the warehouse leaf account for the sale day. Do not include any floor sweepings in this item.
4. Enter in the line numbered "2" the number of pounds and gross price of all floor sweepings (bundles, leaves or accumulation to tobacco) sold by the warehouse on this floor.
5. Enter in the line numbered "3" the total of all the entries appearing above.
6. Enter in the line numbered "4" the result obtained by subtracting the Resales from the Purchases.
7. Enter in the line numbered "5" the total pounds purchased, the gross price paid, total pounds resold and the gross price of resales for all tobacco purchased or resold for the warehouse leaf account at other warehouses and all tobacco purchased from or resold to dealers for the warehouse leaf account.
8. Enter in the line numbered "6" the number of pounds and gross price of all floor sweepings and warehouse scrap sold at other warehouses and to dealers.

The warehouseman or his authorized representative will sign the report in the space provided and forward the original to the Marketing Quota Section not later than the end of the next following calendar week. The carbon copy will be retained in the warehouse files and will be used by junior field officers together with the warehouse records in preparing the Warehouse Summary.

FORM 40-TOB-37, REPORT OF PENALTIES

Each warehouseman and dealer will prepare each week Form 40-Tob-37, Report of Penalties. There should be listed on the report information with respect to each Form 40-Tob-29, Memorandum of Excess Sale, and each Form 40-Tob-38, Memorandum of Suspended Sale, issued or completed during the week to show tobacco subject to penalty. If no penalty memoranda are issued or completed during any week the report on Form 40-Tob-37 for that week need not be made unless specifically requested by the Marketing Quota Section. The letter "S" will be written beside the serial number of any memorandum of suspended sale which is listed on the Report of Penalties. The Report of Penalties will be prepared as follows:

1. Enter the date of the last day of the week covered by the report, the name and address of the warehouse or dealer and the registration number in the appropriate spaces.
2. Enter in the appropriate columns the name of the farm operator, the serial number of each excess memorandum of sale and the serial number of each memorandum of suspended sale completed to show penalty, the date the excess memorandum of sale was issued or the memorandum of suspended sale was completed by the field assistant, the total pounds of the sale, and the percent excess and the amount of penalty.
3. Total the columns headed "total pounds" and "penalty" and enter the results in the spaces provided.
4. Enter in the certification the serial numbers of all memoranda appearing on the report wherein an amount equivalent to the penalty was not deducted from the purchase price paid the producer.
5. The Report of Penalties will be signed by the warehouseman or his authorized representative, or by the dealer.
6. The original of the report, accompanied by the amount of penalty shown to be due, will be forwarded to the Marketing Quota Section not later than the end of the calendar week following the week covered by the report. The carbon copy should be retained by the warehouseman or dealer.

FORM 40-TOB-38, REGISTER OF SUSPENDED SALES

A record of suspended sales will be kept for each warehouse on Form 40-Tob-38, Register of Suspended Sales. This register consists of a pad of 50 memoranda of suspended sale and no pad will be used at more than one warehouse. Each warehouse sales bill covering "farm tobacco" for which a memorandum of sale has not been issued by the end of the sale day will be presented to a field assistant who will stamp such bill "Suspended" and

prepare a memorandum of suspended sale (Form 40-Tob-38) for each suspended sale and enter on the warehouse bill the serial number of the memorandum of suspended sale covering such sale. The field assistant will enter on the "Permanent Copy" of the memorandum of suspended sale the number of pounds sold, date of sale and the warehouse bill number in the spaces provided; and, in addition, will enter the gross price directly beneath the words "Amount of Penalty". The field assistant will enter in the appropriate spaces on the "Warehouse Copy" of the memorandum of suspended sale, the name of the producer appearing on the warehouse bill and the number of pounds sold; and, in addition, will enter the gross price directly beneath the words "Warehouse Copy". Both copies of the memorandum of suspended sale (Form 40-Tob-38) are to remain in the "Register of Suspended Sales" until the sale is removed from suspension. If a field assistant is not available, the warehouseman may stamp warehouse bills "Suspended" and record them in the register of suspended sales as outlined above.

If a marketing card is presented to a field assistant for the purpose of obtaining a memorandum of sale to cover a marketing of tobacco for which a memorandum of suspended sale has been issued, he will issue such memorandum of sale and stamp both the "Purchaser's Copy" and the "County Office Copy" of the memorandum of sale "Suspended", and attach to the "Warehouse Copy" of the memorandum of suspended sale in order to keep them separate from the current day's memoranda of sale, and will enter on the memorandum of suspended sale (on both the permanent copy and the warehouse copy) the serial number of the memorandum of sale. The warehouse copy of the memorandum of suspended sale will be delivered to the warehouseman with the purchaser's copy of the memorandum of sale after the field assistant's report for the day has been completed.

If a field assistant is not available, the warehouseman may issue a memorandum of sale as outlined above from a Within Quota Marketing Card to cover a marketing of tobacco for which a memorandum of suspended sale has been issued. Both the "Purchaser's Copy" and the "County Office Copy" of such memoranda of sale issued by the warehouseman will be attached to the memorandum of suspended sale (Form 40-Tob-38) which will remain in the "Register of Suspended Sales" until detached by the field assistant.

If no memorandum of sale is issued within four weeks after the date of marketing of the tobacco, the memorandum of suspended sale will be completed by the field assistant to show the sale subject to penalty and he will compute and enter the amount of penalty on the "Permanent Copy" and the "Warehouse Copy" of the memorandum of suspended sale. The field assistant will sign the "Warehouse Copy" of the memorandum of suspended sale and deliver it to the warehouseman, after preparing his daily report.

FORM 40-TOB-39, FIELD ASSISTANT'S DAILY REPORT

A report on Form 40-Tob-39 will be prepared covering the sales made at each warehouse for each sale day. The date of the sale day covered by the report, the name of the warehouse, the warehouse registration number,

the name of the market, gross pounds sold and the gross price will be entered in the spaces provided in Section I. The number of memoranda issued, number of pounds covered, the gross price and the amount of penalty for this sale day will be shown in Section II. The total number of memoranda issued, number of pounds covered, the gross price, and the amount of penalty on previous farm sales which have been cleared from suspensions since the last preceding report will be entered in Section III. Section IV has been provided to enable the field assistant to explain any unusual entries or circumstances and to make such additional entries as may be required.

In preparing the daily report, the field assistant will total separately all Forms 40-Tob-28, 40-Tob-29 and 40-Tob-38. Each of these forms will be sorted into groups of one hundred. If any group contains fewer than one hundred forms the exact number of such forms will be entered on the adding machine tapes used in totalling the pounds and price. All memoranda of sale will be retained in the order in which they were added to facilitate checking the items on the tapes. Each adding machine tape will be folded around the applicable memoranda of sale and will be held in place by rubber bands.

The field assistant will sign the report and forward the original report and the first carbon copy, together with the county office copies of all memoranda of sale issued and the adding machine tapes used in determining the totals for the report and the "Marketing Quota Section Copy" and "County Office Copy" of Forms 40-Tob-43 to the field officer in charge. The field assistant will retain the second carbon copy of the report.

Junior field officers will check the reports of field assistants and will assist field assistants in preparing these reports when time permits after the completion of other duties.

FORM 40-TOB-40, WAREHOUSE SUMMARY

Junior field officers, with the aid of field assistants (when available), will summarize warehouse accounts on Form 40-Tob-40 as often as possible to determine that memoranda of sale have been issued to cover all marketings of farm tobacco. This check will involve the balancing of buyers' purchases (including purchases for the warehouse leaf account) with total sales (including farmers' sales, resales by dealers and sales for the warehouse leaf account).

Junior field officers will check periodically the memoranda of sale and the record of suspended warehouse bills against the warehouse floor sheets and other records for a particular day to determine that such records are in proper agreement.

FORM 40-TOB-41, APPLICATION FOR RETURN OF PENALTY

Form 40-Tob-41 will be prepared by the county office and the producer who makes application for return of excess penalty.

FORM 40-TOB-43, BILL OF NONWAREHOUSE SALE

Form 40-Tob-43, Bill of Nonwarehouse Sale, will be executed by the buyer and farm operator to cover each marketing of tobacco at any place other than a regular warehouse auction sale. If the marketing occurred prior to the issuance of a marketing card for the farm, the Bill of Non-warehouse Sale may be presented to the county office for execution of the "Certificate of County Office" and the issuance of a memorandum of sale. If a within quota marketing card has been issued for the farm, the dealer (or warehouseman) may issue a memorandum of sale at the time of purchase.

Form 40-Tob-43, Bill of Nonwarehouse Sale, will be prepared as follows:

1. Enter the name of the county and the farm serial number in the upper right-hand corner.
2. Enter in the space provided the date of preparation of the form.
3. Enter in item 1 the name and address of the farm operator.
4. Enter in item 2 the name of dealer and his registration number and State. Also enter name of the person making the purchase if other than the dealer.
5. Enter in item 3 the answers to the following questions:
  - (a) Is the tobacco purchased scrap or leaf?
  - (b) If leaf, is it graded and tied or loose?
  - (c) If leaf, what is the number of the curing or priming?
  - (d) What is the actual weight? If not known, what is the estimated weight?
  - (e) What was the gross price paid for the tobacco?
  - (f) If a memorandum of sale is issued what is its serial number?
6. The farm operator and the buyer will sign the certification in item 4 and the signatures will be witnessed by a disinterested party.
7. The county office will execute item 5 if presented before a marketing card is issued for the farm.

8. The buyer will execute item 6 and deliver the original and county office copy of the Bill of Nonwarehouse Sale to the field assistant together with both parts of the memorandum of sale, unless the "Certificate of County Office" has been executed, in which case only the "Marketing Quota Section Copy" of the Bill of Nonwarehouse Sale need be delivered.

FORM 40-TOB-45, CORRECTION OF MEMORANDUM OF SALE

Form 40-Tob-45 is to be used by field assistants for correcting memoranda of sale on which any error occurred at the time of issuance. In preparing this form the field assistant will enter the Form number (28 or 29) of the memorandum which is in error, the serial number of such memorandum, date issued, date of sale and the warehouse bill(s) number in the spaces provided. In the box appearing beneath the word "From" the field assistant will enter the information shown on the original memorandum of sale. In the box beneath the word "To" the field assistant will enter the correct information. The name of the farm operator, address of county agricultural conservation association and farm serial number, and the reason the correction is being made will be entered in the spaces provided. After signing and entering the current date the field assistant will deliver the "Warehouse Copy" to the warehouseman and forward the "Marketing Quota Section Copy" and "County Office Copy" to the field officer in charge.

FORM 40-TOB-46, TRANSMITTAL SHEET

Form 40-Tob-46 is used as a receipt for forms distributed by field officers to county offices and will not be used by field assistants, warehousemen or dealers.

